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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JAMES J. HENDRIX,

14 Defendant.

CASE NO. CR19-0024JLR

MINUTE ORDER

15 The following minute order is made by the direction of the court, the Honorable
16 James L. Robart:

17 Before the court is Defendant James J. Hendrix's motion for stay of sentencing
18 (Mot. (Dkt. # 238)) and memorandum filed in support of the motion to stay (Mem. (Dkt.
19 # 246)). The memorandum states that Mr. Hendrix's counsel "does not believe that there
20 are any constitutional or statutory rights to a speedy sentencing." (*See id.* at 6.) The
21 court disagrees. Federal Rule of Criminal Procedure 32(b)(1) states that "[t]he court must
22 impose sentence without unnecessary delay." Fed. R. Crim. P. 32(b)(1). Moreover, the

1 United States Supreme Court has recently noted that “[f]or inordinate delay in
2 sentencing, although the Speedy Trial Clause does not govern, a defendant may have
3 other recourse, including, in appropriate circumstances, tailored relief under the Due
4 Process Clauses of the Fifth and Fourteenth Amendments.” *Betterman v. Montana*, ---
5 U.S. ---, 136 S. Ct. 1609, 1612 (2016).

6 Mr. Hendrix’s memorandum states that Mr. Hendrix is willing to waive any
7 statutory or constitutional rights to timely sentencing “to the extent the Court believes it
8 warranted.” (*See* Mem. at 6.) The court believes that such a waiver is warranted to
9 ensure that Mr. Hendrix is aware that his request for a stay could impact his due process
10 rights and his rights under Federal Rule of Criminal Procedure 32. Thus, if Mr. Hendrix
11 remains willing to waive any rights to timely sentencing that he has under the Due
12 Process Clauses of the Fifth and Fourteenth Amendments or under Federal Rule of
13 Criminal Procedure 32, he may do so by filing a waiver on the docket in this matter by
14 Friday, February 28, 2020. The court DEFERS ruling on Mr. Hendrix’s pending motion
15 to stay until the court receives a waiver from Mr. Hendrix or until the expiration of the
16 court’s February 28, 2020, deadline for Mr. Hendrix to file a waiver.

17 Filed and entered this 18th day of February, 2020.

18 WILLIAM M. MCCOOL
19 Clerk of Court

20 s/ Ashleigh Drecktrah
21 Deputy Clerk
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